

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/730,228	§	Confirmation No.:	2495
Applicant:	Ronald P. Akialis, Jr.	§		
Filed:	12/08/2003	§		
TC/A.U.:	3691	§		
Examiner:	Gregory L. Johnson	§		
Title:	BILL PAYMENT	§		
	AUTHORIZATION	§		
	SYSTEM AND	§		
	METHOD	§		
Docket No.:	200901561-1	§		
	(HPC.0892US)	§		

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R § 41.37

Sir:

The final rejection of claims 1-30 is hereby appealed.

I. REAL PARTY IN INTEREST

The real party in interest is the Hewlett-Packard Development Company, LP. The Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 11445 Compaq Center Drive West, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF THE CLAIMS

Claims 1-30 have been finally rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendment after the final rejection of December 24, 2009 has been submitted. Therefore, all amendments have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element. Note also that the cited passages are provided as examples, as other passages in the specification or drawings not cited may also be relevant to the corresponding claim elements.

Independent claim 1 recites a method of authorizing one or more bill payments, the method comprising:

receiving, at an authorization system (Fig. 1:20) that includes at least one computer, information entered by a consumer and sent by a biller through a network (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-8) identifies:

the consumer;

an amount to be paid; and

an account to be used to make a payment;

determining (Fig. 2:82) whether the payment should be authorized (Spec., p. 15, ln. 4-5);

transmitting (Fig. 2:94), through the network to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15); and

sending (Fig. 2:88), from the authorization system, an electronic notification directly to the consumer that the payment has been authorized, if the payment is authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22).

Independent claim 13 recites a method of authorizing one or more bill payments, the method comprising:

receiving, at an authorization system (Fig. 1:120) that includes at least one computer, information entered by a customer and sent by a biller through the worldwide web (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-21) identifies:

the customer,

an amount to be paid,

an account to be used to make a payment,

a credit card number or a debit card number, and

a verification code for the credit card number or the debit card number;

determining (Fig. 2:82) whether the payment should be authorized based at least in part on whether the verification code is correct (Spec., p. 12, ln. 19 – p. 13, ln. 2; p. 14, ln. 8; p. 15, ln. 4-5);

transmitting (Fig. 2:94), through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15); and

sending (Fig. 2:88), from the authorization system, an electronic notification to the customer that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22).

Independent claim 14 recites a method of authorizing one or more bill payments, the method comprising:

receiving, at an authorization system (Fig. 1:20) that includes at least one computer, information entered by a consumer and sent by a biller through the worldwide web (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-21) identifies:

the consumer,

an amount to be paid,

an account to be used to make a payment,

a credit card number or a debit card number, and

a verification code for the credit card number or the debit card number;

editing (Fig. 2:60) the information sent by the biller and returning edit failure information to the consumer and the biller if editing fails (Spec., p. 10, ln. 18-19; p. 12, ln. 5-18);

if the editing does not fail, determining (Fig. 2:82) whether the payment should be authorized at least partially based on whether the verification code is correct (Spec., p. 12, ln. 19 – p. 13, ln. 2; p. 14, ln. 8; p. 15, ln. 4-5);

transmitting (Fig. 2:94), through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15); and

sending (Fig. 2:88), from the authorization system, an electronic notification to the consumer that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22).

Independent claim 15 recites a method of authorizing one or more bill payments, the method comprising:

receiving, at an authorization system (Fig. 1:20) that includes at least one computer, information entered by a consumer and sent by a biller through the worldwide web (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-8) identifies:

- the consumer,
- an amount to be paid,
- an account to be used to make a payment,
- a credit card number or a debit card number, and
- a verification code;

determining (Fig. 2:82) whether the payment should be authorized at least partially based on whether the verification code is correct (Spec., p. 12, ln. 19 – p. 13, ln. 2; p. 14, ln. 8; p. 15, ln. 4-5);

transmitting (Fig. 2:94), through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15);

sending (Fig. 2:88), from the authorization system, an electronic notification to the consumer that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22);

storing, in connection with the authorization system, format information for each of a plurality of billers (Spec., p. 8, ln. 10-15);

retrieving format information for the biller to whom the authorization information is sent (Spec., p. 6, ln. 18-20); and

formatting the electronic notification in the format of the biller to whom the authorization information is sent (Spec., p. 9, ln. 7-22).

Independent claim 16 recites a method of authorizing one or more bill payments, the method comprising:

receiving (Fig. 1:20), at an authorization system including at least one computer, information entered by a consumer and sent by a biller through the worldwide web (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-8) identifies:

the consumer,

an amount to be paid, and

an account to be used to make a payment;

transmitting (Fig. 2:94), through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15);

sending (Fig. 2:88), by the authorization system, an electronic notification to the consumer that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22);

assigning (Fig. 2:80) an identification number for each transaction for the biller (Spec., p. 13, ln. 13-14); and

transmitting the identification number to the biller (Spec., p. 17, ln. 1-5).

Independent claim 18 recites a method of authorizing one or more bill payments, the method comprising:

receiving, at an authorization system (Fig. 1:20) that includes at least one computer, information sent by a biller through the worldwide web (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-8; p. 15, ln. 10-13) identifies:

- a payor,
- an amount to be paid,
- an account to be used to make a payment, and
- one or more billing personnel responsible for bills;

determining (Fig. 2:82) whether the payment should be authorized (Spec., p. 15, ln. 4-5);

transmitting (Fig. 2:94), through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15);

sending (Fig. 2:88), from the authorization system, an electronic notification to the payor that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22); and

reporting (Fig. 2:92) the information identifying the billing personnel to the biller when reporting authorization results (Spec., p. 15, ln. 10-17).

Independent claim 19 recites a method of authorizing one or more bill payments, the method comprising:

receiving (Fig. 1:20), at an authorization system that includes at least one computer, information entered by a consumer and sent by a biller through the worldwide web (Spec., p. 7, ln. 3-9; p. 10, ln. 15-16), wherein the information (Spec., p. 11, ln. 3-8) identifies:

the consumer,

an amount to be paid, and

an account to be used to make a payment;

determining (Fig. 2:82) whether the payment should be authorized (Spec., p. 15, ln. 4-5);

transmitting (Fig. 2:94), through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15);

sending (Fig. 2:88), by the authorization system, an e-mail to the consumer that the payment has been authorized, wherein the e-mail is formatted in a predefined format specified and presented as originating from the biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22);

determining a correctness of a verification code of a credit card or debit card used in the payment (Spec., p. 14, ln. 7-10);

assigning (Fig. 2:80) an identification number for each transaction for the biller (Spec., p. 13, ln. 13-14);

transmitting the identification number to the biller (Spec., p. 17, ln. 1-5);

determining an identity of billing personnel responsible for bills (Spec., p. 15, ln. 10-13); and

reporting to the biller an identity of the billing personnel with an authorization result (Spec., p. 15, ln. 10-17).

Independent claim 20 recites a system for authorizing one or more bill payments, the system comprising:

an authorization web server (Fig. 1:20) programmed for selective communication through a network with a plurality of billers' web servers;

a programmed digital computer system (Fig. 1:32) linked to the authorization web server to obtain authorization information from a financial institution authorizing or rejecting a payment request received at a particular one of the billers' web servers from a payor's computer through the network, and to communicate authorization information to the particular biller's web server by the use of web services programming, wherein the authorization information is formatted to appear as originating from the particular biller and in a predefined format specified by the particular biller (Spec., p. 15, ln. 16-17; p. 8, ln. 10-15);

the programmed digital computer system being programmed to edit information relating to the payment request received at the particular biller's web server from the payor's computer through the network (Spec., p. 10, ln. 18-19; p. 12, ln. 5-18); and

the programmed digital computer system being programmed to send, directly to the payor's computer originating the payment request, an e-mail containing the authorization information, wherein said e-mail is formatted in a predefined format specified by the particular biller such that the e-mail appears to be generated by the particular biller (Spec., p. 15, ln. 7-9; p. 9, ln. 7-22).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Claims 1-4 and 11-15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez (U.S. Patent Publication No. 2002/0194138) in view of Putta (U.S. Patent Publication No. 2001/0032192) and Friedman (U.S. Patent Publication No. 2003/0208556).
- B. Claims 5-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman, and further in view of Ensel (U.S. Patent No. 6,493,685).
- C. Claims 7-8, 10, and 26-28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman, and further in view of Byrne (U.S. Patent Publication No. 2003/0229590).
- D. Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman, and further in view of Byrne and Jamison (U.S. Patent Publication No. 2003/0191711).
- E. Claims 16-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Friedman.
- F. Claim 18 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Putta, Friedman and Mersky (U.S. Patent No. 6,119,106).
- G. Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Friedman, Mersky and Coskrey (U.S. Patent No. 6,676,016).
- H. Claims 20 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Friedman and Cook (U.S. Patent No. 6,675,153).
- I. Claims 21-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Friedman and Cook, and further in view of Byrne.
- J. Claims 23 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Cook and Friedman, and further in view of Mersky.
- K. Claim 29 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez and Friedman, and further in view of Byrne.
- L. Claim 30 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Friedman, Coskrey and Mersky, and further in view of Byrne.

VII. ARGUMENT

The claims do not stand or fall together. Instead, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-headings as required by 37 C.F.R. § 41.37(c)(1)(vii).

A. Claims 1-4 and 11-15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez (U.S. Patent Publication No. 2002/0194138) in view of Putta (U.S. Patent Publication No. 2001/0032192) and Friedman (U.S. Patent Publication No. 2003/0208556).

1. Claims 1-4, 11-13, 15.

It is respectfully submitted that the obviousness rejection of claim 1 over Dominguez, Putta, and Friedman is in error.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

The Examiner conceded that Dominguez and Putta fail to disclose the following elements of claim 1:

- wherein the authorization information (transmitted to a website of a biller) is formatted to appear as originating from the biller and in a predefined format specified by the biller; and
 - wherein the electronic notification (sent from the authorization system directly to the consumer that the payment has been authorized) is formatted to appear as originating from the biller and in a predefined format specified by the biller.
- 12/24/2009 Office Action at 4.

However, the Examiner cited Friedman as purportedly disclosing the claimed elements missing from Dominguez and Putta. *Id.* at 4-5. Specifically, the Examiner cited ¶¶ [0058] and [0071] of Friedman. Paragraph [0058] of Friedman refers to an email server 288 and a web server 260 shown in Fig. 2 of Friedman. Paragraph [0071] of Friedman describes formatting a web page rendered by the web server 260 to appear “to be an extension of the web site from which the network user was most recently connected.” The reason for formatting the web page to have the look and feel of another web site is based on the fact that when a network user is shopping online at a vendor’s site, the network user can be offered the option to order and create a custom card, and if selected, the user is redirected to a web site of the “inventive system” described in Friedman. Friedman, ¶ [0080]. The user that has been redirected from the vendor’s site to the web site of the “inventive system” of Friedman is presented with a graphical user interface that appears similar to that of the vendor’s site from which the user was redirected. *Id.*, ¶ [0084].

Thus, Friedman teaches a technique to format a web page such that the user believes that the web page is associated with a particular vendor, even though the user has been redirected to another web site. This teaching of Friedman has nothing to do with the subject matter of claim 1, which relates to transmitting authorization information **to a biller, and sending electronic notification **directly to a consumer****, where the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller, and also the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller.

The Response to Arguments section of the final Office Action cited to three purported teachings of Friedman as supporting the rejection. First, the Examiner argued that ¶ [0071]

teaches “techniques for emulating the look and feel of a vendor’s web page,” citing specifically to ¶ [0071] of Friedman. 12/24/2009 Office Action at 38. Note that the look and feel of a vendor’s web page as discussed in ¶ [0071] is presented to a network user. There is no teaching here of **both** (1) transmitting authorization information to a website of a **biller** where the authorization information is formatted to appear as originating from the **biller** and in a predefined format specified by the **biller**, and (2) sending electronic notification from the authorization system **directly to the consumer** that the payment has been authorized, which is formatted to appear as originating from the **biller** and in a predefined format specified by the **biller**. Although Friedman would have provided a teaching that a user is presented with the look and feel of a vendor’s web page, Friedman would not have led a person of ordinary skill in the art to transmitting the two types of information of claim 1 to different targets, namely the website of a biller, and separately, directly to a consumer, with both such types of information formatted to appear as originating from the biller.

The second point made in the Response to Arguments section is that Friedman purportedly discloses “techniques for customizing the look of electronic documents, albeit greeting cards.” 12/24/2009 Office Action at 38. A user creating a greeting card for the user’s own use, as taught by Friedman, has absolutely no relation to the subject matter of claim 1 that specifies that authorization information is transmitted to a website of a biller and that an electronic notification that the payment has been authorized is sent directly to the consumer.

The third point raised by the Examiner is that Friedman discloses “a system that comprises a web server, email server, and a database server, in which the web and email servers are implemented with applications executing on the same computer system.” *Id.* Specifically, the Examiner pointed to ¶¶ [0051]-[0058] of Friedman. *Id.* These passages of Friedman relate

to the card vendor system that is described in Friedman. Although Friedman does note that the email server 288 and web server 260 may be implemented with applications that execute on the same computer system, this teaching has nothing to do with the subject matter of claim 1, which relates to sending both authorization information to a website of a **biller** and sending electronic notification that the payment has been authorized directly to the **consumer**, where both the authorization information and the electronic notification are formatted to appear as originating from the biller and in a predefined format specified by the biller.

Therefore, even if Dominguez, Putta, and Friedman were to be hypothetically combined, the hypothetical combination of references would not have led to the claimed subject matter.

Moreover, a person of ordinary skill in the art would not have been prompted to combine the teachings of Friedman with the teachings of Dominguez and Putta to achieve the claimed subject matter. The teachings of Friedman relating to customizing a web page to make the web page appear as if the web page is from a particular vendor, is completely unrelated to the teachings of Dominguez and Putta. Note that the customization of the web page of Friedman is made in the context of a server system that allows network users to select and customize electronic versions of greeting cards. Friedman, Abstract; ¶ [0014].

On the other hand, Dominguez relates to a payment authentication service to authenticate the identity of a payor during online transactions. Putta relates to a method for issuing a secondary programmable account number (SPAN) to a customer such that the customer can use the SPAN to pay for a purchase from a merchant. Putta, Abstract; [0054]. Neither Dominguez nor Putta has any need or desirability to incorporate into their systems a technique of customizing a web page that appears to be from a particular vendor to allow a user to select and customize electronic versions of greeting cards. A person of ordinary skill in the art clearly

would not have been prompted to apply the teachings of Friedman to the systems of Dominguez and Putta.

The only apparent basis for the purported combination of Dominguez, Putta, and Friedman is based on impermissible hindsight that has benefited from the disclosure of the present invention. That is clearly prohibited. *See Graham v. John Deere Co.*, 383 U.S. at 36 (cautioning against slipping into use of hindsight and “to resist the temptation to read into the prior art the teachings of the invention in issue.”).

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claim 1 and its dependent claims is erroneous.

Independent claims 13 and 15 are allowable over the cited references for similar reasons as claim 1.

Reversal of the final rejection of the above claims is respectfully requested.

2. Claim 14.

Independent claim 14 is allowable over Dominguez, Putta, and Friedman for similar reasons as claim 1. Specifically, claim 14 recites the following combination of elements that are not disclosed or hinted at by the hypothetical combination of Dominguez, Putta, and Friedman:

transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller; and
sending, from the authorization system, an electronic notification to the consumer that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller.

Moreover, claim 14 further recites the following combination of elements:

editing the information sent by the biller and returning edit failure information to the consumer and the biller if editing fails;

if the editing does not fail, determining whether the payment should be authorized at least partially based on whether the verification code is correct;

With respect to the foregoing combination of elements, the Examiner cited the following passage of Dominguez: ¶ [0068]. 12/24/2009 Office Action at 9. The cited passage of Dominguez states that the merchant is able to provide additional information along with the authorization message, such as a flag indicating if the cardholder was successfully authenticated, account information, digital signatures, a cardholder verification value, card authentication verification value, offline PIN, and the necessary fields to provide the merchant with guaranteed payment. Paragraph [0068] of Dominguez also states that after the issuer financial institution processing of the authorization transaction is complete, control of the purchase transaction is returned to the merchant's store front software via the payment network. The issuer financial institution can either authorize or decline the transaction.

This passage of Dominguez clearly does not provide any hint of editing the information sent by the biller **and returning edit failure information to the consumer and the biller if editing fails**. The concept of edit failure does not exist anywhere in Dominguez. Even more specifically, the concept of sending edit failure information to both the consumer and the biller upon editing failure also does not exist anywhere in Dominguez, or in any of the other cited references.

Thus, the hypothetical combination of Dominguez, Putta, and Friedman also would not have led to the above subject matter of claim 14.

Reversal of the final rejection of the above claim is respectfully requested.

B. Claims 5-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman, and further in view of Ensel (U.S. Patent No. 6,493,685).

1. Claims 5, 6.

In view of the allowability of base claim 1 over Dominguez, Putta, and Friedman, the obviousness rejection of dependent claims 5 and 6 over Dominguez, Putta, Friedman, and Ensel has been overcome.

Reversal of the final rejection of the above claims is respectfully requested.

C. Claims 7-8, 10, and 26-28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman, and further in view of Byrne (U.S. Patent Publication No. 2003/0229590).

1. Claims 7, 8, 10, 26-28.

In view of the allowability of base claims over Dominguez, Putta, and Friedman, it is respectfully submitted that the obviousness rejection of the foregoing claims over Dominguez, Putta, Friedman, and Byrne has been overcome.

Reversal of the final rejection of the above claims is respectfully requested.

D. Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman, and further in view of Byrne and Jamison (U.S. Patent Publication No. 2003/0191711).

1. Claim 9.

In view of the allowability of base claim 1 over Dominguez, Putta, and Friedman, the obviousness rejection of dependent claim 9 over Dominguez, Putta, Friedman, Byrne, and Jamison has been overcome.

Reversal of the final rejection of the above claim is respectfully requested.

E. Claims 16-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Friedman.

1. Claims 16, 17.

Independent claim 16 was rejected as purportedly obvious over Dominguez and Friedman. Note that the rejection of claim 16 is over just Dominguez and Friedman, and does not cite Putta.

In the rejection of independent claim 1, the Examiner conceded that Dominguez does not disclose the following element of claim 1: sending from the authorization system, an electronic notification directly to the consumer that the payment has been authorized, if the payment has been authorized. 12/24/2009 Office Action at 3.

Claim 16 recites the following clause:

sending, by the authorization system, an electronic notification to the consumer that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller;

In view of the concession made by the Examiner with respect to claim 1, it is clear that Dominguez does not disclose the “sending” element of claim 16.

In the rejection of claim 16, the Examiner referred to the rejection of claims 1, 13, 14, and 15. 12/24/2009 Office Action at 18. Yet, the rejection of those claims is over three references: Dominguez, Putta, and Friedman. In contrast, the rejection of claim 16 is over just Dominguez and Friedman, and thus, the citation of the rejection of claims 1, 13, 14, and 15 does not support the rejection of claim 16.

The Examiner did not explain how Friedman discloses or hints at the subject matter of claim 16 that does not appear in Dominguez, as conceded by the Examiner. As discussed above, Friedman relates to on-line creation of greeting cards and emulating the look and feel of a

vendor's web page. Friedman provides no hint of an authorization system sending an electronic notification to the consumer that payment has been authorized. Thus, even if Dominguez and Friedman could be hypothetically combined, the hypothetical combination of the references would not have led to the claimed subject matter.

Moreover, claim 16 is further allowable for reasons stated above with respect to claim 1 that Friedman fails to provide any teaching or hint of subject matter conceded by the Examiner to be missing from Dominguez.

The obviousness rejection of claim 16 and its dependent claim 17 is therefore erroneous for the foregoing reasons.

Reversal of the final rejection of the above claims is respectfully requested.

F. Claim 18 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Putta, Friedman and Mersky (U.S. Patent No. 6,119,106).

1. Claim 18.

Independent claim 18 is allowable for similar reasons as stated above with respect to claim 1. Specifically, the hypothetical combination of the references would not have led to the following combination of elements of claim 18:

transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment, wherein the authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller;

sending, from the authorization system, an electronic notification to the payor that the payment has been authorized, wherein the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller; and

The fourth reference, Mersky, was cited by the Examiner as purportedly disclosing information identifying one or more billing personnel responsible for bills, and reporting information identifying the billing personnel to the biller when reporting authorization results.

Mersky does not provide any teaching or hint of the combination of “transmitting” and “sending” elements of claim 18 noted above.

Therefore, the obviousness rejection of claim 18 is also erroneous.

Reversal of the final rejection of the above claim is respectfully requested.

G. Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Friedman, Mersky and Coskrey (U.S. Patent No. 6,676,016).

1. Claim 19.

Independent claim 19 was rejected over the purported combination of Dominguez, Friedman, Mersky, and Coskrey.

With respect to claim 19, the Examiner conceded that Dominguez and Coskrey fail to disclose the transmission of authorization information to a website of the biller, where the authorization information is **formatted to appear as originating from the biller and in a predefined format specified by the biller**, in combination with sending an e-mail to the consumer that the payment has been authorized, where the e-mail is **formatted in a predefined format specified and presented as originating from the biller**. 12/24/2009 Office Action at 26. Instead, the Examiner cited Friedman as purportedly disclosing the foregoing. For reasons similar to those stated above with respect to claim 1, Friedman does not provide any teaching or hint of transmitting authorization information including whether to authorize the payment or refuse authorization of the payment to a website of a biller, and sending an e-mail to the consumer that the payment has been authorized. Although Friedman relates to emulating the look and feel of a vendor’s web page, Friedman does not provide any teaching or hint of **both** transmitting the authorization information as defined in claim 19 to the website of the **biller, and** sending an e-mail to the **consumer** that payment has been authorized.

The fourth reference, Mersky, was cited by the Examiner as purportedly disclosing identifying billing personnel. *Id.* at 28. However, Mersky does not provide any teaching or hint of the combination of “transmitting” and “sending” elements of claim 19, as specifically defined.

Therefore, claim 19 is also allowable over Dominguez, Friedman, Mersky, and Coskrey.

Reversal of the final rejection of the above claim is therefore respectfully requested.

H. Claims 20 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Friedman and Cook (U.S. Patent No. 6,675,153).

1. Claims 20, 24.

Independent claim 20 was rejected as purportedly obvious over Dominguez, Friedman, and Cook.

The Examiner conceded that Dominguez and Cook fail to disclose that the authorization information communicated to the biller’s web server is formatted to appear as originating from the biller and in a predefined format specified by the biller, and that the e-mail containing authorization information sent to the payor’s computer is formatted in a predefined format specified by the biller such that the e-mail appears to be generated by the biller. 12/24/2009 Office Action at 30. Instead, the Examiner cited Friedman as purportedly disclosing the foregoing elements of claim 20. As explained above in connection with claim 1, Friedman clearly does not provide any teaching or hint of the subject matter of claim 20 missing from Dominguez and Cook.

Therefore, the obviousness rejection of claim 20 is also clearly erroneous.

Reversal of the final rejection of the above claims is therefore respectfully requested.

I. Claims 21-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Friedman and Cook, and further in view of Byrne.

1. Claims 21, 22.

In view of the allowability of base claim 20 over Dominguez, Friedman, and Cook, the obviousness rejection of dependent claims 21 and 22 over Dominguez, Friedman, Cook, and Byrne has been overcome.

Reversal of the final rejection of the above claims is respectfully requested.

J. Claims 23 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Cook and Friedman, and further in view of Mersky.

1. Claims 23, 25.

In view of the allowability of base claim 20 over Dominguez, Cook, and Friedman, the obviousness rejection of dependent claims 23 and 25 over Dominguez, Cook, Friedman, and Mersky has been overcome.

Reversal of the final rejection of the above claims is therefore respectfully requested.

K. Claim 29 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez and Friedman, and further in view of Byrne.

1. Claim 29.

In view of the allowability of base claim 16 over Dominguez and Friedman, the obviousness rejection of dependent claim 29 over Dominguez, Friedman, and Byrne has been overcome.

Reversal of the final rejection of the above claim is therefore respectfully requested.

L. Claim 30 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Friedman, Coskrey and Mersky, and further in view of Byrne.

1. Claim 30.

In view of the allowability of base claim 19 over Dominguez, Friedman, Mersky, and Coskrey, the obviousness rejection of dependent claim 30 over Dominguez, Friedman, Coskrey, Mersky, and Byrne has been overcome.

Reversal of the final rejection of the above claim is therefore respectfully requested.

CONCLUSION

In view of the foregoing, reversal of all final rejections and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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VIII. APPENDIX OF APPEALED CLAIMS

The claims on appeal are:

- 1 1. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system that includes at least one computer, information
3 entered by a consumer and sent by a biller through a network, wherein the information identifies:
4 the consumer;
5 an amount to be paid; and
6 an account to be used to make a payment;
7 determining whether the payment should be authorized;
8 transmitting, through the network to a website of the biller, authorization information
9 including whether to authorize the payment or refuse authorization of the payment, wherein the
10 authorization information is formatted to appear as originating from the biller and in a predefined
11 format specified by the biller; and
12 sending, from the authorization system, an electronic notification directly to the
13 consumer that the payment has been authorized, if the payment is authorized, wherein the
14 electronic notification is formatted to appear as originating from the biller and in a predefined
15 format specified by the biller.
- 1 2. The method of claim 1 further comprising:
2 storing format information for each of a plurality of billers;
3 retrieving format information for a biller to whom the authorization information is sent;
4 and
5 formatting the electronic notification based on the retrieved format information.
- 1 3. The method of claim 1, wherein the received information includes an e-mail address for
2 the consumer, and wherein sending the electronic notification includes sending the electronic
3 notification in the form of an e-mail directly to the consumer through the network.

4. The method of claim 1 wherein determining whether the payment should be authorized includes at least one of determining whether the payment will exceed the credit limit of the consumer's credit card, determining whether the payment will exceed the credit limit of the consumer's debit card, or validating the consumer's bank account.

5. The method of claim 1 wherein determining whether the payment should be authorized includes, in a request for payment from a bank account:
communicating authorization;
submitting the transaction for bank clearance after authorization; and
communicating clearance failure to the biller if and when clearance failure is received.

6. The method of claim 5 wherein submitting the transaction includes:
accumulating a plurality of payment requests over a period of time; and
submitting the accumulated plurality of payment requests for clearance in a batch.

7. The method of claim 1 comprising:
pre-authorizing a given consumer and a given credit card or debit card based on cardholder information; and
sending the pre-authorization information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from the given consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction.

8. The method of claim 1 further comprising:
reversing a payment authorization at a request of the biller, wherein the request of the biller is provided prior to an end of a business day, and wherein the authorization was given during the same business day; and
notifying at least one bank or credit card organization to whom the payment authorization was communicated.

1 9. The method of claim 1 further comprising:
2 storing, at said authorization system, basic billing information for each of a plurality of
3 customers of a biller;
4 providing the biller with access to the billing information for each of the customers;
5 allowing the biller to modify the accessed billing information directly; and
6 giving a customer access to the customer's associated billing information.

1 10. The method of claim 1 further comprising:
2 receiving from the biller at least one of restrict or unrestrict instructions for an account of
3 one or more customers;
4 storing the instructions in association with the authorization system; and
5 retrieving and implementing the instructions upon receipt of a payment request for the
6 account of the one or more customers.

1 11. The method of claim 1 further comprising providing a preliminary calculation of fees to
2 the consumer in response to supplying the amount and a means of payment.

1 12. The method of claim 1 further comprising receiving, from the biller, a plurality of
2 accumulated payments to be authorized in a batch by means of a function call.

1 13. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system that includes at least one computer, information
3 entered by a customer and sent by a biller through the worldwide web, wherein the information
4 identifies:
5 the customer,
6 an amount to be paid,
7 an account to be used to make a payment,
8 a credit card number or a debit card number, and
9 a verification code for the credit card number or the debit card number;
10 determining whether the payment should be authorized based at least in part on whether
11 the verification code is correct;
12 transmitting, through the worldwide web to a website of the biller, authorization
13 information including whether to authorize the payment or refuse authorization of the payment,
14 wherein the authorization information is formatted to appear as originating from the biller and in
15 a predefined format specified by the biller; and
16 sending, from the authorization system, an electronic notification to the customer that the
17 payment has been authorized, wherein the electronic notification is formatted to appear as
18 originating from the biller and in a predefined format specified by the biller.

1 14. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system that includes at least one computer, information
3 entered by a consumer and sent by a biller through the worldwide web, wherein the information
4 identifies:
5 the consumer,
6 an amount to be paid,
7 an account to be used to make a payment,
8 a credit card number or a debit card number, and
9 a verification code for the credit card number or the debit card number;
10 editing the information sent by the biller and returning edit failure information to the
11 consumer and the biller if editing fails;
12 if the editing does not fail, determining whether the payment should be authorized at least
13 partially based on whether the verification code is correct;
14 transmitting, through the worldwide web to a website of the biller, authorization
15 information including whether to authorize the payment or refuse authorization of the payment,
16 wherein the authorization information is formatted to appear as originating from the biller and in
17 a predefined format specified by the biller; and
18 sending, from the authorization system, an electronic notification to the consumer that the
19 payment has been authorized, wherein the electronic notification is formatted to appear as
20 originating from the biller and in a predefined format specified by the biller.

1 15. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system that includes at least one computer, information
3 entered by a consumer and sent by a biller through the worldwide web, wherein the information
4 identifies:
5 the consumer,
6 an amount to be paid,
7 an account to be used to make a payment,
8 a credit card number or a debit card number, and
9 a verification code;
10 determining whether the payment should be authorized at least partially based on whether
11 the verification code is correct;
12 transmitting, through the worldwide web to a website of the biller, authorization
13 information including whether to authorize the payment or refuse authorization of the payment,
14 wherein the authorization information is formatted to appear as originating from the biller and in
15 a predefined format specified by the biller;
16 sending, from the authorization system, an electronic notification to the consumer that the
17 payment has been authorized, wherein the electronic notification is formatted to appear as
18 originating from the biller and in a predefined format specified by the biller;
19 storing, in connection with the authorization system, format information for each of a
20 plurality of billers;
21 retrieving format information for the biller to whom the authorization information is sent;
22 and
23 formatting the electronic notification in the format of the biller to whom the authorization
24 information is sent.

1 16. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system including at least one computer, information entered
3 by a consumer and sent by a biller through the worldwide web, wherein the information
4 identifies:
5 the consumer,
6 an amount to be paid, and
7 an account to be used to make a payment;
8 transmitting, through the worldwide web to a website of the biller, authorization
9 information including whether to authorize the payment or refuse authorization of the payment,
10 wherein the authorization information is formatted to appear as originating from the biller and in
11 a predefined format specified by the biller;
12 sending, by the authorization system, an electronic notification to the consumer that the
13 payment has been authorized, wherein the electronic notification is formatted to appear as
14 originating from the biller and in a predefined format specified by the biller;
15 assigning an identification number for each transaction for the biller; and
16 transmitting the identification number to the biller.

1 17. The method of claim 16 further comprising:
2 assigning an identification number for each transaction for each biller of a plurality of
3 billers;
4 storing the identification numbers; and
5 transmitting the identification numbers associated with a given one of the billers to the
6 given biller in a report of transactions associated with the given biller during a specified period
7 of time.

1 18. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system that includes at least one computer, information sent
3 by a biller through the worldwide web, wherein the information identifies:
4 a payor,
5 an amount to be paid,
6 an account to be used to make a payment, and
7 one or more billing personnel responsible for bills;
8 determining whether the payment should be authorized;
9 transmitting, through the worldwide web to a website of the biller, authorization
10 information including whether to authorize the payment or refuse authorization of the payment,
11 wherein the authorization information is formatted to appear as originating from the biller and in
12 a predefined format specified by the biller;
13 sending, from the authorization system, an electronic notification to the payor that the
14 payment has been authorized, wherein the electronic notification is formatted to appear as
15 originating from the biller and in a predefined format specified by the biller; and
16 reporting the information identifying the billing personnel to the biller when reporting
17 authorization results.

1 19. A method of authorizing one or more bill payments, the method comprising:
2 receiving, at an authorization system that includes at least one computer, information
3 entered by a consumer and sent by a biller through the worldwide web, wherein the information
4 identifies:
5 the consumer,
6 an amount to be paid, and
7 an account to be used to make a payment;
8 determining whether the payment should be authorized;
9 transmitting, through the worldwide web to a website of the biller, authorization
10 information including whether to authorize the payment or refuse authorization of the payment,
11 wherein the authorization information is formatted to appear as originating from the biller and in
12 a predefined format specified by the biller;
13 sending, by the authorization system, an e-mail to the consumer that the payment has
14 been authorized, wherein the e-mail is formatted in a predefined format specified and presented
15 as originating from the biller;
16 determining a correctness of a verification code of a credit card or debit card used
17 in the payment;
18 assigning an identification number for each transaction for the biller;
19 transmitting the identification number to the biller;
20 determining an identify of billing personnel responsible for bills; and
21 reporting to the biller an identity of the billing personnel with an authorization result.

1 20. A system for authorizing one or more bill payments, the system comprising:
2 an authorization web server programmed for selective communication through a network
3 with a plurality of billers' web servers;
4 a programmed digital computer system linked to the authorization web server to obtain
5 authorization information from a financial institution authorizing or rejecting a payment request
6 received at a particular one of the billers' web servers from a payor's computer through the
7 network, and to communicate authorization information to the particular biller's web server by
8 the use of web services programming, wherein the authorization information is formatted to
9 appear as originating from the particular biller and in a predefined format specified by the
10 particular biller;
11 the programmed digital computer system being programmed to edit information relating
12 to the payment request received at the particular biller's web server from the payor's computer
13 through the network; and
14 the programmed digital computer system being programmed to send, directly to the
15 payor's computer originating the payment request, an e-mail containing the authorization
16 information, wherein said e-mail is formatted in a predefined format specified by the particular
17 biller such that the e-mail appears to be generated by the particular biller.

1 21. The system of claim 20 wherein said authorization information is sent to the payor's
2 computer and the particular biller's web server substantially simultaneously.

1 22. The system of claim 20 wherein information regarding a format desired for
2 communications to the payor on behalf of the particular biller is stored and retrieved to format
3 the e-mail sent to the payor in a format desired by the particular biller.

1 23. The system of claim 20 wherein the computer system is programmed to apply a
2 transaction number to each transaction for the particular biller, store the transaction numbers, and
3 report the transaction numbers to the particular biller.

1 24. The system of claim 20 wherein the computer system is programmed to demand that
2 credit card or debit card verification codes be submitted with any credit card or debit card
3 payment requests, and to use the verification codes with other credit card information to protect
4 against fraud in obtaining authorization for card payments.

1 25. The system of claim 20 wherein the computer system is programmed to receive, store,
2 and report to each biller an identity of billing personnel responsible for obtaining authorized
3 payment.

1 26. The method of claim 13 further comprising:
2 first pre-authorizing a given customer and a given credit card or debit card based on
3 cardholder information; and
4 sending information of the pre-authorization to the biller prior to receipt of a specific
5 request for authorization of a specific payment charged to the credit card or the debit card so as
6 to allow the biller to determine a validity of the credit card or the debit card prior to proceeding
7 with a transaction.

1 27. The method of claim 14 further comprising:
2 first pre-authorizing a given customer and a given credit card or debit card based on
3 cardholder information; and
4 sending information of the pre-authorization to the biller prior to receipt of a specific
5 request for authorization of a specific payment charged to the credit card or debit card so as to
6 allow the biller to determine a validity of the credit card or debit card prior to proceeding with a
7 transaction.

1 28. The method of claim 15 further comprising:

2 first pre-authorizing a given customer and a given credit card or debit card based on
3 cardholder information; and

4 sending information of the pre-authorization to the biller prior to receipt of a specific
5 request for authorization of a specific payment charged to the credit card or debit card so as to
6 allow the biller to determine a validity of the credit card or debit card prior to proceeding with a
7 transaction.

1 29. The method of claim 16 further comprising

2 first pre-authorizing a given customer and a given credit card or debit card based on
3 cardholder information; and

4 sending information of the pre-authorization to the biller prior to receipt of a specific
5 request for authorization of a specific payment charged to the credit card or the debit card so as
6 to allow the biller to determine a validity of the credit card or the debit card prior to proceeding
7 with a transaction.

1 30. The method of claim 19 further comprising:

2 first pre-authorizing a given customer and a given credit card or debit card based on
3 cardholder information; and

4 sending information of the pre-authorization to the biller prior to receipt of a specific
5 request for authorization of a specific payment charged to the credit card or the debit card so as
6 to allow the biller to determine a validity of the credit card or the debit card prior to proceeding
7 with a transaction.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.